

REMARKS

Claims 1-10 are pending in the above-referenced patent application. Claim 8 has been amended, and no claims have been added or canceled.

In the Office Action, dated January 4th, 2005, the Examiner objected to claim 8 for informalities; rejected claim 8 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement; rejected claims 1, 4, 5, 6, 9 and 10 under 35 U.S.C. 102(e) as being anticipated by So et al (U.S. Patent No. 6,307,776, hereinafter, "So"); and rejected claims 2, 3, 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over So. These objections and rejections are respectfully traversed.

The Examiner has objected to claim 8 for various informalities. Applicants have amended claim 8, and additionally have amended the specification. Applicants believe the amendments obviate the objections. It is respectfully requested that the Examiner withdraw the objections to the claims. It is additionally noted Applicants take no position on the appropriateness of the objection, however, these changes to claim 8 and the specification do not affect the scope of claimed subject matter, and no new matter is introduced by these amendments. Likewise, because scope is not affected, there is no prosecution history estoppel.

The Examiner has rejected claim 8 under 35 U.S.C. 112, first paragraph. Claim 8 and the specification have both been amended to address an inadvertent typographical error. Applicant takes no position regarding whether or not the rejection was proper. It is respectfully requested that the Examiner withdraw the rejection of claim 8.

The Examiner has rejected claims 1, 4, 5, 6, 9, and 10 under 35 U.S.C. 102(e) as being anticipated by So. This rejection by the Examiner is respectfully traversed.

Applicants respectfully submit that So does not disclose each and every element of the rejected claims, and, therefore, a *prima facie* case under 35 U.S.C. 102(e) has not been established. As just an example, So does not show or describe a control processing unit having a data pin, wherein the data pin is coupled to a memory pin, and a buffer coupled to the data pin, as recited in the rejected claims. It is noted that many other bases for traversing the rejection could be provided, but Applicants believe

that this ground is sufficient. It is respectfully requested that the Examiner withdraw the rejection as to claim 1.

Applicants respectfully submit that So does not disclose each and every element of the rejected claims, a *prima facie* case under 35 U.S.C. 102(e) has not been established, and claim 1 is in condition for allowance. Additionally, claims 4, 5, 6, 9, and 10 are in a condition for allowance for at least the same reasons as claim 1.

The Examiner rejected claims 2, 3, 7 and 8 under 35 U.S.C 103(a) as being unpatentable over So. This rejection is respectfully traversed. It is well-established that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, a suggestion or motivation must be shown, either in the cited documents themselves or in knowledge generally available to one of ordinary skill in the art, to modify a cited document or combine two or more cited documents. Second, a reasonable expectation of success in making this combination or modification must be shown. Third, it must be shown that the combination or modification, if proper, contains all of the elements of the claims under rejection. If any of these elements are not met, a successful *prima facie* case of obviousness has not been established.

It is respectfully submitted that So does not meet all of the limitations of the claim 2. As just an example, So does not show or describe a control processing unit having a data pin, wherein the data pin is coupled to a memory pin, and a buffer coupled to the data pin, as recited in the rejected claims.

The Examiner already concedes that So is lacking one or more elements of the rejected claims. For example, the Examiner states: "So et al do not detail in the control processing unit coupled to the memory." There is no contemplation throughout So to implement an apparatus as recited in claim 2.

The Examiner states that it would have been obvious to a person of ordinary skill in the art to implement an apparatus as claimed. However, one of ordinary skill in the art having So before him or her would be unable to produce the subject matter of the claims, and, therefore, So, by itself, would not render claim 2 obvious.

It is respectfully submitted, therefore, that a *prima facie* case of obviousness under section 103 of the patent statute has not been made. It is noted that many other bases for traversing the rejection could be provided, but Applicants believe that the ground discussed above is sufficient. It is, therefore,

respectfully submitted that the rejected claims are in a condition for allowance, and it is respectfully requested that the Examiner withdraw the rejection of claim 2.

Claims 3, 7 and 8 distinguish from the cited documents at least on the same basis. It is, therefore, respectfully requested that the Examiner withdraw the rejection of these claims also.

Attorney Docket: 112.P14018


CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 640-6475. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

Dated: 7-5-05


Gerald Haynes
Reg. No. 32,854

Send Correspondence to:
5250 NE Elam Young Parkway
Suite 850
Hillsboro, OR 97124
(503) 640.6475